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SCHOOL LAW

OF THE

TERRITORY OF IDAHO

AS PASSED BY THE

TWELFTH LEGISLATIVE ASSEMBLY.

BOISE CITY, IDAHO:
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1883.

Part of 1973

SCHOOL LAW

OF THE

TERRITORY OF IDAHO.

AN ACT

TO ESTABLISH A PUBLIC SCHOOL SYSTEM, AND TO PROVIDE FOR THE MAINTENANCE AND SUPERVISION OF PUBLIC SCHOOLS

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

TERRITORIAL GENERAL FUND

SECTION. 1. That all moneys accruing from the sale of all lands, heretofore given, or which may hereafter be given, by the Congress of the United States for school purposes in said Territory, and all moneys that may hereafter be given and appropriated by the Congress of the United States for school purposes, unless the same by special provision, shall be appropriated for the establishment of a University, or other high School, together with any moneys by legacy or otherwise donated for educational purposes, and appropriated for the general fund, and all moneys accruing to the Territory from unclaimed moneys from the estates of deceased persons, shall be set apart and shall constitute an irreducible and indivisible Territorial General School Fund, the interest only accruing from which shall be appropriated to the respective counties of the Territory in the manner hereinafter specified and directed.

SEC. 2. For the purpose of establishing and maintaining

public schools, in the several counties of the Territory, it shall be the duty of the County Commisioners of each county, at the time of levying the taxes, for county and Territorial purposes, to levy a tax of not less than ~~two~~ four mills nor more than ~~eight~~ ten mills, on each and every dollar of taxable property in their respective counties, for school purposes.

SEC. 3. The said taxes shall be assessed and collected in each county, as other taxes on property for county and Territorial purposes.

SEC. 4. That the tax collectors and treasurers of the respective counties shall not receive any fees or percentage for such collecting, holding and disbursing the moneys so received from said taxes, and set apart for public school purposes, but that they shall perform such duties without fee or reward.

SEC. 5. That said moneys so collected are hereby set apart and appropriated for the support of the public schools of the respective counties, and shall be paid over by said collectors, or other officers receiving such moneys to the County Treasurers of the respective counties, and by said Treasurers shall be placed in a separate account, to be called the County School Fund, and shall only be drawn from each county treasury as in the manner hereinafter prescribed and provided.

SEC. 6. That for the further support of public schools there shall be set apart by the County Treasurer of each county, the same to be placed by the respective County Treasurer in the county school fund as a part of the same, all moneys arising from fines and forfeiture for a breach of any of the penal laws of this Territory.

TERRITORIAL SUPERINTENDENT

SEC. 7. The Territorial Controller is hereby made and constituted *ex-officio* Territorial Superintendent of Public Instruction.

SEC. 8. It is the duty of the Superintendent of Public Instruction:

First—To superintend the public schools in the Territory.

Second—To report to the Governor on or before the first

day of December preceding each regular session of the Legislature the condition of the public schools.

Third—To accompany his report with tabular statements showing the number of school children in the Territory, the number attending public schools and the average attendance; the amount raised by county and district taxes or from other scources of revenue for school purposes and the amounts expended in accordance with the provisions of this Act.

Fourth—To present such suggestions as he may deem necessary in relation to the construction of school houses, the improvement and management of the public schools, to the qualification of teachers, the ways and the means for raising funds for the support of the public schools, and for the promotion of the general interests of education throughout the Territory.

Fifth—To prepare and have blanks printed for reports of County Superintendents, Trustees, Census Marshals and teachers, and also blanks for teachers' registers and licenses, and blank orders from Trustees to County Seperintendents for warrants, and distribute the same to the respective County Superintendents. And also have copies of the school law prepared in pamphlet form, and distribute the same amongst the County Superintendents.

Sixth—To decide disputed points in school law, and all such decisions shall be held to have the force of law till reversed by the courts.

Seventh—To authenticate with his official seal all papers and writings issued from his office, and to deliver over at the expiration of his term of office, on demand of his successor, all property, books, documents, maps, records, reports and all other papers belonging to his office, or which may have been received by him for the use of his office, for which he shall take a receipt of his successor and file the same in the office of the Territorial Secretary.

TERRITORIAL TREASURER, DUTIES OF.

SEC. 9. It is hereby made the duty of the Territorial Treasurer to receive and hold as special deposit, and place in a

separate fund, to be called the Territorial General School Fund, all moneys designated and set apart for that purpose, as specified in Section 1 of this Act; for the safe keeping and disbursment of which moneys he shall be responsible on his official bond.

SEC. 10. It shall be the duty of the Territorial Treasurer to apportion to the several counties the amount of money in the school fund of the Territory, subject to be apportioned. to which each shall be entitled under the provisions of this Act, in proportion to the number of children residing therein between the ages of five and twenty-one years, as shown by the last previous report of the County School Superintendent, or other officer charged therewith, and make a record of such apportionment in a book of record to be kept for that purpose, and to furnish to the Territorial Treasurer, and to each County Treasurer, and to each County School Superintendent, an abstract of such apportionment, and at the same time to furnish to each County Treasurer a warrant for the amount of such apportionment to which his county may be entitled, drawn on the Territorial Treasurer in conformity with provisions of this Act.

SEC. 11. And the said Territorial Treasurer shall, without unnecessary delay, transmit to each County Treasurer the amount due his county, as exhibited by the said warrants; and each County Treasurer shall furnish to the Territorial Superintendent a receipt for the same, with duplicate to the Territorial Treasurer, which receipts the said Superintendent and Treasurer shall file in their respective offices.

COUNTY SUPERINTENDENTS.

SEC. 12. At the next school election, hereinafter provided for, there shall be elected, in counties containing more than 10 school districts, a County Superintendent, who shall hold his office for the term of two years or until his successor is elected and qualified. The Board of County Commissioners of such counties shall fix the compensation of such County Superintendent, and provide for the payment of contingent expenses

[illegible] Council for the Legislature to fix the salaries of the Superintendents of different Co's, as is done with other offic[illegible]

separate fund, to be called the Territorial General School Fund, all moneys designated and set apart for that purpose, as specified in Section 1 of this Act; for the safe keeping and disbursment of which moneys he shall be responsible on his official bond.

Sec. 12. County [illegible]
Eligible to this office shall require
the person to be of good moral character
to produce proof of regular graduation
at some Christian Institution
of learning in the U. S. or Europe
and of practical teacher, or have taught
public school periods of time for fi
years under a first grades certificat
Provided. That in such Counties in
such one can be found to serve
County Auditor shall act Ex Off
County Sup't.

DEC. 12. At the next school election, hereinafter provided for, there shall be elected, in counties containing more than 10 school districts, a County Superintendent, who shall hold his office for the term of two years or until his successor is elected and qualified. The Board of County Commissioners of such counties shall fix the compensation of such County Superintendent, and provide for the payment of contingent expenses

[illegible] will for the Legislature
Fix the salaries of the Superintendents
of different Co's, as is done with other offic

of his office. Before entering upon his duties he shall take and subscribe an oath before the County Recorder, faithfully to perform the duties of School Superintendent of his county; *Provided*, That all County Superintendents now in office by virtue of an Act approved February 10, 1881, to provide for the election of County School Superintendents in certain counties of this Territory, shall hold office until the expiration of the terms for which they were elected, and the County Commissioners of said counties shall at the expiration of said term appoint County School Superintendents to hold office until the next school election in their county.

SEC. 13. It is the duty of the County Superintendent:

First—To superintend the schools of his county.

Second—To distribute promptly such blanks, reports, forms and laws as shall be received by him from the Territorial Superintendent of Public Instruction, for the use of School Trustees, Census Marshals and Teachers, and any other officer entitled to receive the same.

Third—To keep on file in his office the reports of the School Trustees, Census Marshals and teachers, and to record all his official acts in a book to be provided for that purpose.

Fourth—To make a full report annually, on or before the 15th day of October in each year, for the school year ending on the 31st day of August next previous thereto, to the Territorial Superintendent, a statement of the number of school houses in each district in his county, the number of children of school age, and the number of pupils attending in each district in his county, the number of libraries and the number and character of volumes in each library; in how many districts a school has been taught during the past year, and for how long a time, and what school books have been used in each district; what proportion of children of school age in each district has attended the school during the past year; the amount of money paid for teachers for teaching, and the expense, as nearly as may be, of conducting each school district. This statement, together with such other information and suggestions as he may

deem proper or important to the cause of education in the county, shall be forwarded to the Territorial Superintendent of Public Instruction on or before the first day of November of each year, in order that the same may be embodied in his report to the Legislative Assembly.

Fifth—To appoint School Trustees, to serve till the next school election, for newly organized districts, and to fill by appointment all vacancies that may occur by death, resignation or otherwise, or when the voters of the districts fail to elect Trustees in accordance with the provisions of this Act, and to draw his requisition on the County Auditor as hereinafter provided, in favor of the Board of Trustees for the purchase of school books, which may be furnished by said Trustees to indigent children of the district, making the same payable out of the public school moneys in the county school treasury apportioned to said district.

Sixth—To collect, by process of law, all penal fines not paid over by Justices of the Peace or other officers required to pay the same, required in Section 44 of this Act, and the same shall be recovered by an action in which the People of the United States in the Territory of Idaho, by the County Superintendent, shall be plaintiff, and the Justice of the Peace or other officer neglecting or refusing to pay over said moneys shall be deemed defendant.

~~*Seventh*—To visit and examine each school in his county at least once in each year, and for every school not so visited the Board of County Commissioners must, on proof thereof, deduct ten dollars from his salary, which shall be applied to the county school fund.~~

Eighth—To preside over Teachers' Institutes, if any, held in his county, and to secure the attendance thereat of lecturers or other persons competent to instruct in the art of teaching. To enforce the course of study, the use of a uniform series of text books, and the rules and regulations for the examination of teachers, not inconsistent with the laws of the Territory.

Ninth—To keep a record of his official acts, and of the pro-

Seventh. To visit classify and examine each school in his County at least once each term, and for every school so visited he shall report the name and number of the School District to the County Commissioners of said County who shall allow him five dollars per day for every day actually and necessarily employed in traveling to and from such School, in addition to his regular salary and compensation as Superintendent, and having due regard to the necessity of time to travel in discharging this duty, and order all such amounts drawn on the School funds of the respective Districts to the County. At the close of each School Year the County Commissioners shall ascertain what Schools if any have not been so visited, and for any and all such the amount to be allowed shall be deducted from the Superintendents salary and applied to the School funds of the District, if visited by the Superintendent or some of the unavoidable casualty has been the cause of such failure.

Twelfth. To endorse certificates from other Counties in the Township for such time as remains according to dates on the Certificate when he deems it proper to do so.

Thirteenth. To hold and conduct examinations of applicants for certificates within this County at such times and places as he may deem it advisable and necessary, in which examinations he shall be the Official examiner.

ceedings of the ~~County Board of Examiners~~ Examinations held in his County, including a record of the standing, in each study, of all applicants examined.

Tenth—To make reports when directed by the Superintendent of Public Instruction, showing such matters relating to the public schools as may be required of him, so far as may be within his knowledge.

Eleventh—To preserve carefully all reports of school officers and teachers, and at the close of his official term deliver to his successor all records, books, documents and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the County Recorder.

SEC. 14. 15 In counties containing not more than ~~five~~ 10 school districts the ~~Probate Judge~~ Co. Auditor shall be *ex-officio* County School Superintendent, and sub-divisions seven and eight of section 13 shall not apply to such counties; ~~*Provided*, That the County Auditor shall be *ex-officio* County School Superintendent for the counties of Nez Perce and Idaho.~~

SEC. 15. 16 It is further duty of the County School Superintendent to require of the County Treasurer a report of the amount of school moneys on hand to the credit of the several school funds of the county, not already apportioned, and it is hereby made the duty of said Treasurer to furnish such report when so required. It is the duty of the County School Superintendent upon receiving the notice from the County Treasurer, as provided in this Act, to apportion the public school moneys, both county and Territorial, reported by said County Treasurer to be in the county treasury of each county, among the several school districts of his county, in the following manner, to-wit: one-half of the whole amount reported by said County Treasurer, he shall divide equally among the several organized districts that have complied with the provisions of this Act, the remaining one-half of said whole amount he shall apportion per capita among the several districts in proportion to the number of children in each district, as shown by the last report of the School Census Marshal of each district, and credit each district with the amount to which such apportionment entitles it; such apportionment he shall place upon record in his

office and forthwith furnish a copy thereof to the County Treasurer, and he shall report the portion of each district to the Clerk of the Board of Trustees thereof; *Provided*, That in the county of Owyhee one-third of the whole amount of public school moneys reported by the County Treasurers shall be divided equally among the several organized districts, and the remaining two-thirds per capita as provided in this section.

SEC. 16. ~~The County Superintendent shall make such apportionment on the first Monday in March in each year, and quarterly thereafter; *Provided*, That~~ when any new school district is organized from any part of any other organized district or districts, the County Superintendent, after having ascertained the amount of moneys belonging to said old district, or districts, and also the indebtedness and liabilities of said old district, or districts, and deducting the same, shall apportion to said new district its due per capita proportion of moneys or indebtedness, as the case may be, from said districts, from which it may be formed. *Provided further*, That each school district now organized, or which may hereafter be organized, within the Territory, shall keep at least three months school in each school year, to entitle it to draw any of the public moneys.

SEC. 17. He shall have power, and it shall be his duty to draw his requisition on the County Auditor in favor of, and deliver the same to the person entitled to receive the same, on presentation by him of an order from the Clerk of the Board of Trustees, or of any two of the Board of Trustees; *Provided*, That no such warrant shall be drawn in favor of any school district, until full and complete returns shall have been made by the same as required by law, and the certificate of the district Board of Trustees, showing for what purpose in accordance with the provisions of this Act the money is required. *And provided further*, That no school district shall receive a warrant for a larger amount than there is cash in the treasury to the credit of said district, and that no district shall receive any of the public school moneys in which there shall not have been reported at least ten children by the School Census Marshal at the last report; *Provided*, That each county shall con-

stitute at least one school district, irrespective of the number of children of school age in said county.

SEC. ~~18.~~19 Upon receiving and allowing any requisition from the County Superintendent, the County Auditor shall draw his warrant upon the school fund of the county for the amount thereof. *Provided*, That the Auditor shall in no event draw any warrant upon the school fund without receiving such requisition which shall be recited in his warrant.

SEC. ~~19.~~20 It is the duty of each County Treasurer to receive and hold as special deposit all moneys belonging to the public schools of his county, in accordance with the provisions of this Act, and pay them over only on the warrant of the County Auditor.

SEC. ~~20.~~21 It shall be the duty of the Treasurer of each county on the first Monday of each month, if there shall be in the treasury a sum in excess of one hundred dollars, to make a statement to the County School Superintendent of the amount of money in the school fund then in the treasury, subject to be apportioned after having deducted the amount due the County School Superintendent for his salary, such statement shall also show the amount received and derived from each source constituting said county school fund. The County School Superintendent upon receiving such statement from the county treasury shall immediately proceed to and apportion the money in the school fund to the several districts of the county.

NEW DISTRICTS.

SEC. ~~21.~~22 That whenever at least four heads of families, representing at least ten children of school age, petition the County School Superintendent for the organization of a new school district, or for a subdivision of or change in the boundaries of an old one, the School Superintendent shall immediately notify the Clerk of the Board of Trustees of the district, or districts to be affected by the change proposed, that a petition is on file in his office, and shall state in said notice the proposed change or changes to be made, and that the said petition will be presented to the Board of County Commissioners at their next

regular meeting for final action. The County School Superintendent shall present to the Board of County Commissioners, at their first regular meeting after having received such petition, the said petition, together with all information in his possession relative to the said petition, and if twenty days shall have elapsed since the Clerk of the Board of Trustees of the district to be affected by such change was notified, then the Board of County Commissioners shall take into the consideration of said petition any remonstrance that may be presented, and may approve, modify or disapprove of said petition, and their disapproval shall only be upon the grounds that such organization or change of boundaries would be unjust to individuals or to the community. It shall be the duty of the Clerk of the Board of School Trustees, when notified by the School Superintendent of a proposed change in his district, to post notices in at least three public places in his district, that a petition has been filed in the office of the School Superintendent, stating the proposed change to be made, and call a public meeting of the inhabitants of said district, at the school house in said district, or, if there be no school house, then at some suitable place in said district, said public meeting to be held within five days from the time of posting said notices; which said meeting shall be for the purpose of affording to any person or persons who might be injuriously affected by said petition the opportunity of remonstrating against said petition; *Provided*, That this section shall not be construed to authorize the increase of districts in Ada county beyond the limitation fixed in the Act creating the Independent School District of Boise City.

TRUSTEES.

SEC. 23. There shall be school elections held annually on the first Monday in September of each year at each district school house. *Provided*, That in Nez Perce, and Idaho and Oneida counties such school election shall be held on the first Monday in January. At the next school election, and at the first school election in any newly organized district there shall

Amendment to Sec. 28 Pg. 12.

Provided, That Independent Districts over which the County Superintendent has no jurisdiction shall not cast a vote for Superintendent.

Sec. 25. First. To employ teachers and fix their salaries, and they shall have power to discharge any teacher for any neglect of duty or any cause that in their opinion renders his or her services unprofitable. Provided, That no teacher shall be discharged without five days notice and a hearing before the Board assembled, except for grossly immoral or criminal conduct and then without a hearing before the Board of Trustees and the consent of the majority.

be elected for each district three Trustees, one of whom shall hold office for three years, one for two years, and one for one year; and the ballot shall designate the length of time which said Trustees shall serve. At the second and every subsequent school election there shall be elected one trustee, who shall hold his office for the term of three years. The judges shall forthwith transmit to the County Auditor the vote cast at their precinct for County School Superintendent, on receipt of which the County Auditor shall canvass the vote for County School Superintendent and forward a certificate of election to the person receiving the highest number of votes.

SEC. 23. At said election the polls shall be opened by one of the Board of Trustees, or by any voter, if no trustee be present, at one o'clock, and close at 5 P. M. of the same day; said election shall be conducted generally as other county elections, except that one judge and one clerk shall constitute a board of election, and that any one of the Trustees may, and it is hereby made their duty to qualify said judge and clerk to perform the duties of said board of election, to make returns of such election to the County Superintendent immediately, which returns shall be filed in the office of the same.

SEC. 24. It shall be the duty of the Trustees of each district:

First—To employ teachers and fix their salaries, and they shall have power to discharge any teacher for any neglect of duty or any cause that, in their opinion, renders his or her services unprofitable as a teacher.

Second—To visit the schools in their districts from time to time, and not less than once a month each.

Third—Any two of said Trustees shall constitute a quorum for the transaction of business.

Fourth—At their first meeting after their election and qualification, one of their number shall be chosen Clerk of their Board, and their proceedings of all meetings shall be in writing and shall be kept in a book, shall be signed by the clerk thereof, and such book shall be a public record.

Fifth—They shall have charge of all school property in

their districts, and shall, as such Trustees, have power to receive in trust, all real estate or other property conveyed to said school district, and to convey by deed, duly executed and delivered, all the estate or interest of their districts in any school house or site directed to be sold by any vote of their district, and all conveyances made to said Board shall be in their corporate name: To Trustees of School District No.—, County ——, Idaho Territory, and to their succeessors in office.

Sixth—Said Trustees shall have further power, when directed by a vote of their district, to purchase, receive, hold and convey real and personal property for school purposes, and to hold, purchase, hire and repair school houses, and supply the same with necessary furniture, in accordance with the provisions of this Act, and to fix the location of school houses; *Provided*, That no Trustee shall be pecuniarily interested in any contract made by the Board of Trustees of which he is a member, and any contract made in violation of this section shall be null and void.

Seventh—And they shall, by giving ten days notice, in writing, posted in three conspicuous places in their district, call at any time for a meeting of the legal voters of their district for the purpose of deciding by the votes of such voters whether or not a special tax, specifying the rate proposed to be collected, shall be levied on said district for the building or repairing of school houses, or for the support of public schools in the respective districts; *Provided*, That none but actual resident taxpayers or heads of families of said district shall be entitled to vote at such election; *And provided further*, That all widows or unmarried women of the age of twenty-one years, who shall reside in and hold or own property, subject to such special tax, shall be entitled to vote at all such special elections, and the clerk of the Board of Trustees shall have the same power to enforce the collection of said tax as is given to Assessors on personal property and District Attorneys on real estate in the collection of Territorial and county taxes, or to bring suit in the name of his district, in any court of competent jurisdiction in his district or county, as other civil suits are brought

for the recovery of money. And the said collector shall be entitled to and receive ten per cent, thereon for collecting the same. And the Board of Trustees of any school district in which there shall have been a special tax levied according to law shall, by giving ten days notice, in writing, posted in three conspicuous places in their district, naming the object, day and the hour, and place in said notice, meet and sit as a board of equalization of the assessment of their district and the laws that govern the equalization of the county assessment shall apply to said board and the Trustees shall have power, by giving thirty days notice, in writing, posted in three conspicuous places in their school district, or by publication in a newspaper in their district to declare all unpaid special school taxes delinquent, and shall add five per cent. thereto, to be paid by such delinquent taxpayers.

Eighth—The voting at each election shall be by ballot, on which ballot shall be written or printed "Tax Yes" or "Tax No," and if a majority of the votes polled at such elections shall be in favor of such tax the Board of Trustees shall be empowered, and it is hereby made their duty, to levy, and cause to be collected, a special tax, at the rate specified in their notice, upon the taxable property in their district, as shown by the last annual assessment by the County Assessor, to be obtained by the Trustees from the county clerk of their county, and the said Board of Trustees shall have power to appoint judges and clerk of said election and a collector of said tax; and before entering upon the discharge of his duties, shall take the oath of office; and give bond in double the estimated amount of money to come into his hands, with good and sufficient sureties, and when he shall have been so qualified he shall have the same power to enforce the collection of said tax as is given to tax collectors and Sheriffs, in the collection of Territorial and county taxes, and said collector shall be entitled to, and receive five per cent. thereon for collecting the same; *Provided*, That when any repairs not exceeding the sum of twenty-five dollars in value, the Trustees may in their discretion, levy and collect a rate bill, to be paid by all the parents or guardians

of all pupils attending said schools, in proportion to the number of pupils sent to said schools by each parent or guardian; but no pupils shall be prohibited from attending said schools on account of his or her parents' or guardian's inability to pay such rate; and the clerk of the Board of Trustees shall have the same power to enforce the collections of the amounts of said rate bill as is given to tax collectors and Sheriffs in the collection of Territorial and county taxes.

Ninth—The Trustees of the respective districts, shall furnish all things, not otherwise herein provided for, necessary for the use and comfort of the school, or schools in their districts, such as fuel, improvements, maps, apparatus and library, and for this purpose may audit and allow accounts against the school fund of their school districts not to exceed twenty per cent. of the amount of said school fund.

Tenth—The Trustees of each district shall make full statement, in writing, annually, on the first day of September, to the County School Superintendent of their respective counties, of all matters pertaining to their schools, such as the building and repairing school houses, the cost of the same, and from what source paid, the number of months schools have been taught in their districts during the preceeding school year, what the monthly salary paid teachers, and generally such information that will promote the interest and advance the cause of education.

SEC. 25. It is hereby made the duty of the Trustees of the respective districts on receiving the report from any teacher, of the disorderly or bad conduct of large pupils, to decide how such insubordinate pupils shall be punished, or whether they shall be dismissed from school.

SEC. 26. That said Trustees shall, on the first Monday of July of each year, which shall be and is hereby declared to be a day for the regular meeting of said board, appoint a Census Marshal who shall immediately qualify by taking an oath or affirmation faithfully to discharge the duties of his office to the best of his ability, and the clerk of the board, or either of the Trustees, is hereby authorized to administer such oath or af

Eleventh. They shall allow each teacher their time and railway fare, time spent at Teachers Institutes held in their County also for necessary time in going to and from the same, In failure to do so the teacher may present his or her bill of the same to the County Commissioners who on proof of the same shall allow it and grant an order drawn on the funds of said district for the [illegible]

Persons applying for Certificates to teach shall be examined in, Orthography, reading, Arithmetic, grammar, descriptive geography, history of the U.S., penmanship and Theory and practice of teaching.

firmation. Said Census Marshal shall proceed, immediately after his appointment and qualification, to take a correct enumeration of the children in his district between the ages of five and twenty-one years; *Provided*, That the Census Marshal shall not enumerate any children is his district who are not *bona fide* residents of the same. After the Census Marshal shall have finished his enumeration, he shall forthwith report the same to the Trustees of his district, who shall hold a meeting to receive the same, and said Trustees shall cause a true and certified copy of said census, together with a certificate of the Marshal's having performed his duties, which census or enumeration and certificate shall be forthwith transmitted to the County School Superintendent of his county.

SEC. 27. For such services well and faithfully performed, said Census Marshal shall be allowed as full compensation, ten cents for each child so enumerated, and the Clerk of the Board of Trustees shall furnish said Census Marshal a certificate of the performance of his duty; and upon presenting of such certificate, the County Superintendent shall draw his warrant upon the County Treasurer for the amount so allowed in favor of said Census Marshal, and shall charge the same against his district.

SEC. 28. Trustees shall qualify within fifteen days after their election, by taking an oath or affirmation faithfully to discharge the duties of their office to the best of their ability, and to promote the interest of education in their district, which oath shall be administered by either of the retiring Trustees, or any civil officer authorized to administer oaths, and filed in the office of the County Superintendent.

TEACHERS.

SEC. 29. ~~The County School Superintendent shall be ex-officio County School Examiner.~~

Sec. 30. ~~As Examiner it shall be his duty at the time of his annual visits to the schools of his county to examine~~ persons applying for certificates to teach, in orthography, reading, penmanship, arithmetic, grammar, modern geography and his-

~~tory of the United States, asking questions to test the general knowledge of the candidate and their ability to impart oral instructions relating to the subjets treated in the text books~~, and no person shall be granted a certificate, who in the judgment of the Examiner does not possess the ability to impart oral instructions to such a degree as to render the applicant a successful teacher. County Examiners are authorized to issue three grades of certificates, viz: first grade shall be valid in the county for two years, to those who shall answer correctly not less than seventy-five per cent. of the questions asked in any one branch, and not less than ninety per cent. of the general average; second grade, valid for one year to those who answer correctly not less than fifty per cent. in any branch, with a general average of seventy-five per cent.; third grade, to be valid in a given district only for six months, to those who answer correctly not less than forty per cent. of any one branch, with a general average of fifty per cent. The County Examiner may, if he deem it expedient, call to his assistance any one who is a practical teacher.

SEC. 31.[32] No person shall be authorized to teach any public school within Idaho Territory who shall not have a certificate from ~~a School Examiner within this Territory,~~ the County Superintendent as constituted by this Act, good and valid for the period during which such persons shall teach such public school, and any public school money is hereby forbidden to be paid to any teacher who shall not be the holder of a valid certificate for the time during which said teacher claims to have taught a public school; *Provided*, That the Examiner may grant permits to teach, to those who, in his opinion, are qualified to teach, which permits shall answer all the purposes of certificates till the holders thereof are examined; ~~*And provided further*, That any person who has been actually engaged in teaching in any county for five years shall not, while so engaged, be required to undergo any further examination in said county.~~

SEC. 32.[33] Territorial certificates, entitling the holder to teach in any school district in the Territory, and good for ten years, may be issued at any time by the Superintendent of

Public Instruction, upon an applicant passing a satisfactory examination before him.

SEC. 33. The branches required for a Territorial certificate shall be the following: Written arithmetic, United States history, reading and elocution, English grammar, common and physical geography, geology, physiology, natural philosophy, algebra, plane geometry, general history, political economy, civil government and the theory and art of education. The Superintendent of Public Instruction may, upon such examination, if he deem expedient, call to his assistance any one who is a practical teacher.

SEC. 34. Every person who, upon examination before any County Board, shall be deemed competent to teach, shall, before receiving a certificate, pay to the County Treasurer the sum of three dollars, and upon the presentation of the receipt of the County Treasurer to the County Auditor, and a duplicate thereof to the County School Superintendent, he or she shall be entitled to receive such certificate. The County Examiner shall furnish to the County Treasurer a list of all persons who have been found competent at any session of said Board. All money paid into the County Treasury under the provisions of this Act, shall belong to the school fund of the county.

SEC. 35. The Board of County Commissioners shall audit and allow bills for blank books, stationery, etc., as may be required in the examination of teachers, and the warrants may be drawn upon the general school fund of the county.

SEC. 36. Teachers of public schools shall be furnished with a school register by the Trustees of the respective districts, for the purpose of registering the names of his or her pupils, and their daily attendance at school, and at the close of the session said register shall be delivered to the Clerk of the Board of Trustees of the district, and the teachers shall also be furnished by the Trustees with a blank report, which he shall fill up according to the heading of the same, and transmit to the County Superintendent of his county, at the close of the session or term, and no teacher shall be authorized to draw his salary

until such report shall have been received by said County Superintendent.

SEC. 38. Every teacher in the public schools must:

First—Enforce the course of study, the use of text books, and the rules and regulations prescribed for schools.

Second—Hold pupils to a strict account for disorderly conduct on the way to and from school, on the play grounds, or during recess; suspend for good cause any pupil in the school and report such suspension to the board of Trustees for review. If such action is not sustained by them, the teacher may appeal to the County Superintendent, whose decision shall be final.

Third—Make such reports in addition to those mentioned in Section 37 as may be required by the Superintendent of Public Instruction, County Superintendent or Board of Trustees.

Fourth—Endeavor to impress upon the minds of the pupils the principles of morality, truth, justice and patriotism, teach them to avoid idleness, profanity, and falsehood, and instruct them in the principles of free government and train them up to a true comprehension of the rights, duties and dignity of American citizenship.

TEACHERS' INSTITUTES.

SEC. 39. That the County Superintendent of Common Schools in any county in this Territory, containing ten on more than ten organized school districts, may, when he believes the educational interests of his county would be promoted thereby, hold annually a Teachers' Institute, at such time as he may designate, and such Institute shall continue in session not less than two nor more than five days. He shall give at least ten days notice of the time and place of holding such Institute, by publication in some newspaper published in the county, if there be one, if not, by one written notice to each qualified teacher in the county.

SEC. 40. It shall be the duty of all teachers engaged in the county, and of all persons holding certificates, to attend such Institute and participate in the exercises thereof; and all

Sect. 43. Each teacher shall be required to attend and participate in the Institutes held in the County and in failure to do so shall forfeit his or her certificate if in the decision of the Superintendent and a committee of three who shall be appointed by the Superintendent from members of said Institute the excuse or excuses shall not be deemed sufficient.

Sec. 46 Any person or persons who shall maliciously disturb the teacher or school while in session or the teacher on his or her way to or from the school shall be deemed guilty of a misdemeanor and fined not less than twenty five dollars or more than fifty and costs of prosecution and shall be afflicted to the school funds of

teachers who may have charge of schools at the time of holding the annual Institute shall adjourn their schools for the time during which the Institute shall be held.

SEC. 41. All teachers who may adjourn school for the purpose of attending any Annual Institute, shall be allowed the same pay while in actual attendance, as when teaching, and the County Superintendent shall certify to the number of days attendance of each teacher, and the trustees of the several districts shall count them as so many days lawfully employed.

SEC. 42. The County Superintendent of Common Schools shall provide a building, fuel, lights, stationery, janitor's services, and all things necessary for the holding of the Institute, and shall present an itemized account of such expenses, not to exceed fifty dollars, to the Board of County Commissioners, and it shall be paid from the school fund of the county.

JUSTICES OF THE PEACE, DUTIES OF, ETC.

SEC. 44. All moneys arising from fines or forfeitures, as provided for in this Act, are hereby required to be paid over by Justices of the Peace, or other officers receiving the same, to the County Treasurer within thirty days after collection.

SEC. 45. Any Justice of the Peace, or other officer neglecting or failing to comply with the provisions of section 43 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not less than one hundred dollars, or by imprisonment in the county jail not less than three months, or by both such fine and imprisonment.

MISCELLANEOUS.

SEC. 46. No books, papers, tracts or documents, of a political, sectarian or denominational character shall be used or introduced in any school established under the provisions of this Act, and any and every political, sectarian or denominational doctrine is hereby expressly forbidden to be taught therein, nor shall any teacher, nor any district receive any of the public school moneys, in which the schools have not been taught in accordance with the provisions of this Act.

SEC. 46. Trustees shall determine whether pupils outside of their district shall be permitted to attend school in such district, and upon what terms.

SEC. 47. The school year of each and every county within this Territory, shall commence on the first Monday in September of each year.

SEC. 48. If the County Superintendent fails to make a full and correct report to the Superintendent of Public Instruction of all statements required by law to be made, he shall forfeit the sum of one hundred dollars from his salary, and the Board of County Commissioners are hereby authorized and required to deduct therefrom the sum aforesaid, upon information from the Superintendent of Public Instruction that such reports have not been made.

SEC. 49. All school election returns shall be made to the respective County School Superintendents, which returns they shall file in their offices.

SEC. 51. The Board of County Commissioners shall audit and allow bills for blank books, stationery, etc., as may be required in the examination of teachers, and the warrants may be drawn upon the general school fund of the county.

SEC. 52. The Act entitled "An Act to establish a public school system and to provide for the maintenance and supervision of public schools," approved February 21, 1879, and all Acts amendatory thereof, the Act entitled "An Act to provide for the election of County School Superintendents in certain counties in this Territory," and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. *Provided*, That nothing in this Act shall be construed as in any way affecting the Independent School Districts of Boise City and Lewiston, but the Act creating said Independent School District, approved February 4, 1881, and the law or laws amendatory thereto or supplementary thereto, shall continue and be in full force and effect, excepting that the clerk of the Board of Trustees of said Independent School District, and of all other independent school districts in the Territory of Idaho, shall report directly to the Territorial Superintendent

of Public Instruction such information as trustees of other districts are required to report to the County Superintendent.

SEC. 52. This Act shall take effect and be in force from and after its passage.

APPROVED—February 8, 1883.

I, THEODORE F. SINGISER, Secretary of the Territory of Idaho, do hereby certify that the foregoing is a true copy of the Act entitled "An Act to establish a public school system, and to provide for the maintenance and supervision of public schools," passed at the Twelfth Session of the Legislative Assembly of Idaho Territory, now on file in my office.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the Territory to be affixed.

Seal

Done at Boise City this 16th day of February, A. D. 1883.

THEODORE F. SINGISER,
Secretary.